

EXHIBIT “A”

LiveNote | World ServiceSM

A new perspective on court reporting.

In United States District Court For the District of Hawaii

Deposition of

Wayne Berry
Volume I

May 18, 2005

Wayne Berry

v.

Hawaiian Express Service, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii) CIVIL NO. CV03-00385 SOM LEK
citizen;) (Copyright)

Plaintiff,)

vs.)

Volume 1

HAWAIIAN EXPRESS SERVICE,)
INC., a California)
corporation; et al.,)

Defendants.)
-----)

COPY

DEPOSITION OF WAYNE BERRY,

taken on behalf of the Defendant, Post-Confirmation
Trust, at the Law Offices of Kobayashi, Sugita & Goda,
999 Bishop Street, Suite 2600, Honolulu, Hawaii,
96813, commencing at 8:59 a.m., on Wednesday, May 18,
2005, pursuant to Notice.

BEFORE: Julie A. Peterson, CSR #361, CRR, RMR
Registered Professional Reporter
Notary Public, State of Hawaii

Ali'i Court Reporting
2355 Ala Wai Blvd., Suite 306
Honolulu, Hawaii 96815
(808) 926-1719

1 APPEARANCES:

2
3
4 For the Plaintiff: TIMOTHY J. HOGAN, ESQ.
Lynch Ichida Thompson Kim & Hirota
5 1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
6
7

8 For the Defendant Post-Confirmation Trust:

9 LEX R. SMITH, ESQ.
ANNE E. LOPEZ, ESQ.
10 Kobayashi, Sugita & Goda
First Hawaiian Center
11 999 Bishop Street, Suite 2600
Honolulu, Hawaii 96813
12

13 and

14 ERIC C. LIEBELER, ESQ.
DAMIAN D. CAPOZZOLA, ESQ.
Kirkland & Ellis LLP
15 777 South Figueroa Street
Los Angeles, California 90017
16
17

18 For the Defendants Mark Dillon, Teresa Noa and Brian
19 Christensen, et al:

20 LYLE S. HOSODA, ESQ.
RAINA P.B. MEAD, ESQ.
21 Lyle S. Hosoda & Associates
345 Queen Street, Suite 804
22 Honolulu, Hawaii 96813
23
24
25

1 APPEARANCES: (cont'd)

2
3 For the Defendants Hawaiian Express Service, Inc.,
4 H.E.S. Transportation Services, Inc., California
Pacific Consolidators, Inc., Jeffrey P. Graham; Peter
5 Schaul and Patrick Hirayama:

6 ROY J. TJIOE, ESQ.
7 Goodsill Anderson Quinn & Stifel
8 Alii Place, Suite 1800
1099 Alakea Street
Honolulu, Hawaii 96813

9
10 For the Defendant Alix Partners, LLC:

11 GREGORY Y.P. TOM, ESQ.
12 JOHN T. KOMEIJI, ESQ.
Watanabe Ing Kawashima & Komeiji
13 First Hawaiian Center
999 Bishop Street, Suite 2300
Honolulu, Hawaii 96813

14
15 For the Defendants Guidance Software, Inc., and
16 Michael Gurzi:

17 REX Y. FUJICHAKU, ESQ.
18 Bronster Crabtree & Hoshibata
Pauahi Tower, Suite 2300
1001 Bishop Street
19 Honolulu, Hawaii 96813

20
21 Also present: Martin G. Walker, Ph.D.

22 Videographer: Justin Langlais
23 Certified Legal Video Services
1000 Bishop Street, Suite 410
24 Honolulu, Hawaii 96813
(808) 530-2587

I N D E X

Examination by Mr. Liebeler pg. 6

Examination by Mr. Smith 127

Examination by Mr. Hosoda 208

Examination by Mr. Tom 239